Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements	)	IB Docket No. 99-67
	)	
Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band	)	RM No. 9165

COMMENTS OF SKYBRIDGE L.L.C.

SkyBridge L.L.C. ("SkyBridge"), by its attorneys, hereby submits its comments in response to the Notice of Proposed Rulemaking ("NPRM") issued by the Federal Communications Commission (the "Commission") in the above-captioned matter.[1/] In the NPRM, the Commission proposes to implement the international Global Mobile Personal Communications by Satellite ("GMPCS") Memorandum of Understanding ("MoU") in a manner that "facilitates the free circulation of fixed and mobile satellite service terminals and equipment ('GMPCS terminals') sold for use in,

---

1/ See Notice of Proposed Rulemaking, Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements, IB Docket No. 99-67, Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band, RM No. 9165, FCC 99-37 (rel. March 5, 1999).

or transported into, the United States for use with global satellite systems."[2/] The GMPCS MoU is the product of multilateral efforts at the International Telecommunications Union ("ITU") to develop a new regulatory paradigm in response to the spread of global satellite systems. SkyBridge has been an active participant in the ITU process since its initiation at the 1996 World Telecommunications Development Conference and has consistently promoted the principles of the GMPCS MoU.

The GMPCS MoU clearly recognizes that these global satellite systems include fixed, as well as mobile services. As an applicant for a Commission license for authority to launch and operate the "SkyBridge System," a global network of non-geostationary orbit ("NGSO") communications satellites operating at Ku-band, designed to provide broadband services in the Fixed Satellite Service ("FSS"),[3/] SkyBridge has a particular interest in ensuring that the numerous benefits of the GMPCS MoU regime are enjoyed by users of NGSO FSS terminals.

I. CERTIFICATION PROCEDURES SHOULD APPLY TO FIXED SATELLITE SERVICE TERMINALS

In the NPRM, the Commission notes that the GMPCS MoU applies to all satellite systems, and seeks comment on whether its proposals for implementation

---

2/ Id., ¶ 3.

3/ Application of SkyBridge L.L.C. for Authority to Launch and Operate a Global Network of Low Earth Orbit Communications Satellites Providing Broadband Services in the Fixed-Satellite Service, File No. 48-SAT-P/LA-97, filed February 28, 1997; Amendment, File No. 89-SAT-AMEND-97, filed July 3, 1997; Amendment, 130-SAT-AMEND-98, filed June 30, 1998; Amendment, filed January 8, 1999.

of the GMPCS MoU should be applied to terminals associated with all satellite system, including FSS systems.[4/] GMPCS is defined in the MoU as "Any satellite system (i.e., fixed or mobile, broadband or narrow-band, global or regional, geostationary or non-geostationary, existing or planned) providing telecommunications service directly to end users from a constellation of satellites.[5/] SkyBridge strongly urges the Commission to fully implement the GMPCS MoU by adopting rules that are applicable to all satellite systems.

SkyBridge submits that application of the principles announced in the NPRM to FSS terminals will facilitate the more rapid deployment and implementation of FSS systems, and in particular, of NGSO FSS systems, such as the SkyBridge System. The SkyBridge System will have standard user terminals that will receive and send signals to the SkyBridge constellation. These terminals will be identical, no matter what country they are installed in. Implementation of the GMPCS MoU principles to SkyBridge terminals will greatly simplify their distribution, reducing the cost and time-to-market of the terminals.

Lower cost and rapid deployment of SkyBridge and similar terminals will offer numerous public interest benefits. For example, the SkyBridge System will offer high-speed interactive broadband and narrowband telecommunications services on a worldwide basis, including high-speed Internet access and on-line services,

---

4/ NPRM at ¶ 20.

5/ Arrangements Pursuant to the GMPCS MoU to Facilitate the Introduction and Development of Global Mobile Personal Communications by Satellite, ITU Doc. 14-E, Oct. 7, 1997.

video-conferencing and video-telephony, multimedia entertainment services, telecommuting, LAN interconnection, and infrastructure links for telephony, wireless local loops and mobile communication. Because systems such as the SkyBridge System will offer a cost-effective and expeditious means of delivering broadband communications throughout the United States and to most locations around the globe, the Commission should not hesitate to include FSS terminals within its terminal certification procedures.

Moreover, this proceeding presents the Commission with the opportunity to set a strong example for other countries by including fixed terminals and broadband systems, such as NGSO FSS systems, within its GMPCS terminal procedures. The United States led the effort within the international community to include broadband NGSO systems within the definition of GMPCS. By adopting rules that allow for application of the GMPCS MoU principles to NGSO FSS services, the United States will help to facilitate the adoption of similar rules in other countries. Global adoption of such rules will further facilitate the rapid deployment of such systems, to the benefit of consumers worldwide.

II. FURTHER STREAMLINING OF THE LICENSING AND CERTIFICATION PROCESS

The Commission notes that it currently reviews GMPCS terminals both as part of the licensing process and the equipment certification process.[6/] SkyBridge believes that this "double" review is unnecessary. SkyBridge believes it is sufficient for GMPCS terminals, whether fixed or mobile, to meet the Commission's

---

6/ NPRM at ¶ 31.

requirements in Part 2 of its rules. These terminals are not the type of "earth station" contemplated by Form 312 and the process need not be repeated. In addition, limiting certification under Part 2 facilitates use of GMPCS terminals because of the streamlining of the equipment certification process and the entry into force of Mutual Recognition Agreements with other countries.[7/]

III. OTHER ISSUES

A. Specific Standards for NGSO FSS Systems Should Be Developed In a Later Proceeding.

SkyBridge supports the Commission's proposal to adopt certification standards for terminals used with GMPCS systems only after service rules have been adopted for such systems.[8/] In fact, SkyBridge believes it is not possible to establish such standards with respect to NGSO FSS systems operating in the Ka- and Ku- bands before the ITU and FCC make significant technical decisions. Working groups in the ITU currently are analyzing the issue of power flux density limits for Ka- and Ku-band NGSO FSS systems, with the work intended to be finalized at the World Radio Conference ("WRC") in May 2000. In setting the service rules for NGSO FSS systems, the Commission will take into account the results of the ITU working groups and the WRC. It is only at that time that the Commission should consider what, if any, standards are needed to prevent harmful interference or radiation hazards. Thus,

---

7/ See Report and Order, Equipment Approval Procedures Streamlined to Increase Speed to Market and Reduce Barriers to International Trade, FCC 98-338 (rel. Dec. 23, 1998).

8/ See NPRM at ¶ 31.

such requirements should be developed in a separate proceeding following completion of the ITU-R analysis.

B. Access to Traffic Data.

SkyBridge is cognizant of the GMPCS MoU provisions relating to access to data requirements. This provision is intended to assist countries in determining if established operators are being bypassed by new satellite systems. Such requirements could be particularly burdensome on packet data networks such as the SkyBridge System where regular monitoring and access requirements could inhibit network performance. In addition, the SkyBridge System builds upon, and does not take away from, the established operators in any country, so monitoring is unnecessary. For these reasons, SkyBridge supports the Commission's proposal not to require additional access requirements.[9/]

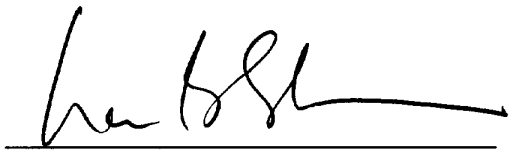
9/ See id., ¶ 36.

CONCLUSION

For the foregoing reasons, SkyBridge supports the Commission's proposal for implementing the GMPCS MoU. In so doing, SkyBridge urges the Commission to set a standard for other regulators to follow by making the rules applicable to all satellite systems and streamlining as much as possible the certification process.

Respectfully submitted,

SKYBRIDGE L.L.C.

By: 

Phillip L. Spector
Laura B. Sherman
Kira A. Merski

PAUL, WEISS, RIFKIND, WHARTON & GARRISON
1615 L Street, N.W., Suite 1300
Washington, D.C. 20036
Telephone: 202-223-7300
Facsimile: 202-223-7420

Its Attorneys

June 24, 1999